

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR  
SYSTEMS PRODUCTS LIABILITY  
LITIGATION

Master File No. 2:12-MD-02327  
MDL 2327

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ETHICON WAVE 4 CASES LISTED IN  
EXHIBIT A

JOSEPH R. GOODWIN U.S. DISTRICT  
JUDGE

**DEFENDANTS' NOTICE OF ADOPTION OF PRIOR DAUBERT MOTIONS AND  
REPLY BRIEFINGS OF RALPH ZIPPER, M.D. FOR WAVE 4**

Come now, Defendants Ethicon, Inc., Ethicon, LLC and Johnson & Johnson (collectively, "Ethicon"), and hereby move to exclude certain general opinions of one of Plaintiffs' experts, Dr. Ralph Zipper. Defendants adopt and incorporate by reference the *Daubert* motion filed against Dr. Zipper for Ethicon Wave 1, Dkt. Nos. 2068 (motion), 2072 (memorandum in support), and supporting Reply brief, Dkt. 2221, and the Court's Wave 1 ruling with respect to Dr. Zipper. *See Order*, Dkt. No. 2717; *see also* Dkt. 2418 (Notice of Adoption for Wave 2 Order), 3299 (Notice of Adoption for Wave 3 Order).

Ethicon respectfully requests that the Court exclude Dr. Zipper's testimony, for the

reasons expressed in the Wave 1 briefings. This notice applies to the Wave 4 cases identified in Exhibit A attached hereto.

Respectfully submitted,

*/s/Christy D. Jones*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Christy D. Jones

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# EXHIBIT A

## EXHIBIT A

| Case Name  | Case Number   | Product                         |
|--|---------------|---------------------------------|
| <i>Christine Benz v. Ethicon, Inc., et al.</i>                   | 2:12-cv-04097 | Prolift                         |
| <i>Brenda L. (Taylor) Berry, et al. v. Ethicon, Inc., et al.</i> | 2:12-cv-04811 | Prolift, Prolift+M, TVT Secur   |
| <i>Donna Cisek, et al. v. Ethicon, Inc., et al.</i>              | 2:12-cv-05521 | Prosima                         |
| <i>Beverly Jones, et al. v. Ethicon, Inc., et al.</i>            | 2:12-cv-05555 | Prosima                         |
| <i>Julie K. Schalk, et al. v. Ethicon, Inc., et al.</i>          | 2:12-cv-04806 | Prolift                         |
| <i>Candace Strauss, et al. v. Ethicon, Inc., et al.</i>          | 2:12-cv-05280 | Prosima, TVT Secur, TVT Abbrevo |